

**GALVESTON COUNTY, TEXAS LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC**

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ARTICLE I

SECTION 1. NAME

SECTION 2. PURPOSE

A. To carry out for Galveston County (Emergency Planning District), those responsibilities required of LEPC pursuant of Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, and related regulations to include:

1. Development, training and exercising a hazardous substances emergency response plan for Galveston County.
2. Development of procedures for regulated facilities to provide notification of LEPC in accordance with SARA Title III.
3. Development of procedures for receiving and processing requests from the public under the Community Right-To

Know provisions of Title III.

4. Provide effective procedures to inform the public under the Community Right-To-Know provisions of Title III.
5. Provision for public notification of committee activities.

B. To implement such other and further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the County Judge who has general responsibility for LEPC activities in the County.

ARTICLE II

MEMBERSHIP

SECTION 1. QUALIFICATIONS

The organization shall consist of those members nominated by the County Judge and approved by the SERC for membership in this body. Those persons named shall represent the various professional, community and volunteer groups as designated by SARA Title III. Members of LEPC shall be residents of, or conduct business within Galveston County.

SECTION 2. OFFICERS

Officers shall be elected to conduct meetings, appoint sub-committees, keep minutes and to otherwise accomplish the work of the committee.

SECTION 3. VACANCIES

Any vacancy occurring in LEPC by reason of resignation, death, or disqualification of a member will be filled by appointment in accordance with Article II, Section 1. Suggestions for candidates to fill vacant or additional positions may be made by the Executive Committee to the County Judge who will make recommendations to the SERC for approval.

SECTION 4. POWER AND DUTIES

LEPC shall have full charge of the planning for emergency response and public information as directed by the law. It shall plan and direct the work necessary to carry out the planning mandate.

SECTION 5. MEETINGS

There shall be at least four meetings of the committee per year. Special meetings of LEPC may be called by the Chairman at such time and place as the Chairman may designate. The Chairman must call a special meeting of LEPC within fourteen days upon the written request of five members. The Executive Committee will meet on week prior to LEPC meetings or as often as deemed necessary.

SECTION 6. QUORUM

The presence of thirty-three percent of the members of LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by LEPC. For the purposes of Standing Committee meetings, the presence of three members shall constitute a quorum for the transaction of business.

SECTION 7. ALTERNATE

Every member shall designate a duly authorized alternate whose vote shall be counted in determining a quorum, and who is permitted to vote in place of the regular member.

ARTICLE III OFFICERS

SECTION 1. ENUMERATION OF OFFICERS

The Officers of LEPC shall be a Chairman, Vice Chairman, and Secretary-Treasurer who shall be elected by the committee as a whole, in a manner herein provided. All officers shall be members of LEPC.

SECTION 2. NOMINATION AND ELECTION OF OFFICERS

Forty-five days prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairman, Vice-Chairman, and Secretary-Treasurer. The election shall be by ballot, except when there is only one nomination for each office, at which time the election may be made by voice vote. These officers shall be selected by a majority of the members of LEPC present and voting at the meeting.

SECTION 3. TERM OF OFFICE

The term of the officers elected at the organizational meeting shall expire on September 30. Thereafter, the term of the officers shall be for a period of two years, starting on October first of even calendar years.

SECTION 4. CHAIRMAN

The Chairman shall preside at all meetings of LEPC; shall serve as ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals and objectives of LEPC. The Chairman shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of LEPC.

SECTION 5. VICE-CHAIRMAN

Upon the resignation, death, or in the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Vice-Chairman shall perform such other duties as may be assigned by the Chairman.

SECTION 6. SECRETARY-TREASURER

The Secretary-Treasurer shall be the custodian of all books, papers, documents, and other property of LEPC. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings of LEPC. Additionally, the Secretary-Treasurer shall attend to the business needs of LEPC and shall maintain an accurate record of all moneys received and expended for the use of LEPC.

ARTICLE IV COMMITTEES

SECTION 1. EXECUTIVE COMMITTEE

The Executive Committee will consist of the Chairman, Vice Chairman, Secretary-Treasurer, and the Chairmen of the four standing committees as described below. The duties of the Executive Committee shall be to coordinate the activities of the Standing and ad hoc Committees.

SECTION 2. STANDING COMMITTEES

The Standing Committees will be established by LEPC to assure the proper conduct of LEPC business and to assure proper attention to the regulatory requirements placed on LEPC. Among the potential standing committees are:

A. PUBLIC EDUCATION AND INFORMATION COMMITTEE

This committee shall:

1. Promote community awareness about the potential for, nature and handling of hazardous material emergencies and advise and educate the public on appropriate actions to take in such emergencies.
2. Inform the public of LEPC meetings, and arrange publicity of LEPC.
3. Formulate policies and procedures concerning the public's Right-To-Know provisions of the act, and chemical release reporting.
4. Respond to public inquiries and complaints regarding specific incidents of facilities.

B. HAZARDOUS MATERIAL FACILITIES/TRANSPORTATION COMMITTEE

This committee shall:

1. Compile available information of hazardous material storage and transportation, and address the degree of hazard present.
2. Establish procedures for on-going communication with affected facilities to insure correct and current information.
3. Work with the Emergency Notification, Response, and Resources Committee to develop and test hazardous materials emergency response plans for LEPC planning district, and evaluate the plan performance.

C. EMERGENCY NOTIFICATION, RESPONSE, AND RESOURCES COMMITTEE

This committee shall:

1. Evaluate resources and procedures for public notification of a hazardous material emergency.
2. Coordinate involved emergency response groups.
3. Evaluate with Committee B, the plan performance, and make appropriate changes as deemed necessary, and review existing Federal, State, and Local plans for the purpose of coordination with the LEPC planning process.

D. ADMINISTRATIVE AND FINANCE

This committee shall:

1. Survey potential funding sources to support the activities of LEPC.
2. Assist LEPC in carrying out its responsibilities.

SECTION 3. MEETINGS

Meetings of the Standing and ad hoc committees may be called by the Chairman of LEPC or the Chairman of those committees as deemed necessary.

SECTION 4. CHAIRMAN OF THE STANDING COMMITTEES

The Chairman of the Standing Committees shall be nominated and elected by their respective committees. Voting shall be conducted in accordance with Article IV, Section 2.

SECTION 5. MEMBERSHIP OF THE STANDING COMMITTEES

All members must volunteer to serve on at least one Standing Committee, and shall not serve on more than two Standing Committees. Final membership on the Standing Committees shall be determined by the Chairman after consultation with the Executive Committee to ensure that all committees have sufficient manpower to carry out their assigned tasks. The Standing Committees may have non-voting, non-LEPC members as necessary.

SECTION 6. AD HOC COMMITTEES

The Chairman may create ad hoc committees as necessary to perform the functions of LEPC. Chairman of ad hoc committees shall be appointed by the Chairman.

ARTICLE V

MISCELLANEOUS PROVISIONS

SECTION 1. FISCAL YEAR

The fiscal year shall be considered to run from October 1 to September 30.

SECTION 2. INDEBTNESS

All indebtedness other than normal operating expenditures incurred by LEPC shall be approved by the Finance Committee and the Executive Committee prior to payment by the Secretary-Treasurer.

SECTION 3. DISQUALIFICATION

Any member who is unable to attend a regular meeting of LEPC shall notify the LEPC Chairman, the member alternate may attend to proxy (see section 7). Any member that does not attend or appoint a proxy to attend on a regular basis can be disqualified by action of LEPC.

ARTICLE VI

AMENDMENTS AND RULES

SECTION 1. AMENDMENTS

These bylaws may be amended by a two-thirds vote of the members present and voting at any meeting of LEPC, provided that any proposed amendments to these bylaws are submitted to the members in writing at least one week in advance of the meeting.

SECTION 2. RULES

Any proposed rule(s) shall be initially considered by the Executive Committee, unless otherwise decided by LEPC. If approved, LEPC shall then vote on the adoption of the proposal(s).

ARTICLE VII

PARLIAMENTARY AUTHORITY

SECTION 1. PARLIAMENTARY AUTHORITY

These rules contained in Robert's Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

ARTICLE VIII

NON PROFIT ORGANIZATION

These bylaws of the undersigned desiring to form a Non-Profit Organization do hereby certify:

1. The name of the Organization shall be "The Local Emergency Planning Committee for Galveston County".
2. The place in this state where the principal office of the Organization is to be located in the city of League City, Galveston County.
3. Said organization is organized exclusively for charitable, religious, educational and scientific purposes, including,

for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

4. The names and addresses of the persons who are the initial trustees of the organization are as follows:

Donald G. Wiseman 1301 FM 646, Dickinson, TX. 77539

Debbie Ingram 1301 FM 646, Dickinson, TX. 77539

Harry Brown 1804 Ball Ave. Suite 102,

Galveston, TX 77550

5. No part of the net earnings of the organization shall inure to the benefit of or be distributed to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the organization shall be the

carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office. Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on (a) by a organization exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by a organization, contributions to which are deductible under section 170 (c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

6. Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the

meaning of section 501(c) (3) of

The Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the organization is then located, exclusively for such purposes, or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.